

Applicant: Kaever et al.
Application No.: 10/576,973

Remarks

Claims 1 and 2 have been canceled, and claims 17 to 23 have been added. Claims 1 and 2 had been rejected under 35 U.S.C. §§112 and 102, and new claims 17 to 23 have been drafted to address and traverse the rejections to claims 1 and 2.

Applicants note the examiner's acknowledgment of the priority claim.

Formalities

Applicants submit herewith an Abstract of Disclosure (without the term "means" being used) and an amended Summary of Invention to delete cross-references to the claims. Proper section headings and paragraph numbering have also been added. A reference list of items illustrated in the drawings has been deleted from the end of the specification.

Applicants respectfully submit that these amendments traverse the objections and no new matter has been added.

Rejections under 35 U.S.C. §112

The claims were rejected under 35 U.S.C. §112, second paragraph because they were not in proper method claim format. New claims 17 to 23 are believed to be in proper claim format, and no new matter has been added.

Rejections under 35 U.S.C. §102(b)

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by *van den Berg*. At paragraph 12, *van den Berg* discloses that a retaining device is activated partially with the aid of data of an animal identification device. *Van den Berg* does not disclose that animals are detected by a sensor in a sequence and then subjected to an additional identification process. This two-step process is disclosed in the present application paragraph 13, where it explains that the sensor detection and the identification processes are separate and are compared to one

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another in such a way that an assignment of the particular data detected by sensor and the data determinate by the identification process can be used to control a dairy operation. Further, the use of separate steps enables an animal's presence to be detected, and if identification data can not be read, a signal is generated to alert a dairy operator or to control a dairy operation. Thus, claims 17 through 23 recite a process that is simply not disclosed in *van den Berg*.

Van den Berg does not anticipate such a procedure nor would the new claims have been obvious in view of *van den Berg*, and Applicants respectfully submit that new claims 17 to 23 are allowable.

Conclusion

For the foregoing reasons, Applicants respectfully submit that the claims are allowable and that the present application should be passed to issue.

Respectfully submitted,


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